

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, )  
Plaintiff, )  
 )  
v. ) Docket No. 2:17-mj-44  
 )  
JOSIAH LEACH, )  
Defendant. )

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF  
MOTION FOR DETENTION**

The United States submits the following memorandum in further support of its Motion for Detention (doc. 9).

**1. Nature and Circumstances of the Offense Charged**

As the criminal complaint and the original detention motion explain, Leach threatened to kill hundreds of people. This, the nature of the offense charged, makes it overwhelmingly difficult to conceive of any set of conditions that could “reasonably assure the safety of the community.”

The circumstances behind the offense charged further weigh in favor of detention. First, this case does not involve only a simple one-off recklessly worded email. It involves at least eight messages distributed over more than 60 hours, from shortly before noon on Tuesday April 18 to just after midnight on Friday April 21. During this time, the effect of the threats on the SBHS school community were intense. During the school lockdowns precipitated by some of these threats, students were not allowed to leave their classrooms, unable to access restrooms.

Furthermore, as the police response and media attention increased, Leach continued to make and disseminate threats. That the threats continued despite such individual and societal

effects strongly indicates that Leach is a person unconcerned for the welfare of others, and not deterred by law enforcement.

The tactics employed by Leach in the commission of this crime also indicate it was not just an unfortunate spontaneous mistake. Leach delivered the threats in several different media: (1) by email, (2) by Facebook message, (3) by telephone, and (4) by video. Furthermore, numerous different email addresses were set up, then used, to disseminate some of these messages. Two of those fabricated sending email addresses were in the form [firstname.lastname]@outlook.com, with the first and last names corresponding to other SBHS students. The name of the Facebook account described in Threat #2 in the criminal complaint also appears to have been intended to mimic the name of another person. That Leach's tactics in committing this crime appear intended to falsely implicate other students further indicates a measure of thoughtfulness and preparation consistent with dangerousness.

Leach also went to the trouble to create a video to further disseminate his threats and list of intended victims. *See* Complaint ¶¶ 28-32. This video contains an image of a person with a blurred out face appearing to hold a piece of paper, with what sounds like a computer-generated voiceover repeating the threats. It also cuts to an image of one written threat described in Threat #5 and #6 in the Complaint. Despite the blurred face, it is clear the person in the video is not Leach. Leach stated that he took this video from YouTube and edited it to add the voiceover and image of text to repeat the threats. Police have confirmed that the video-image has been on YouTube for years prior to this incident.

Putting the threat into this video medium not only furthered its dissemination in both social and news media, it also provided Leach with a false exculpatory argument that he was not the person in the video. Similarly, Leach put his own name on the so-called SBHS Murder List

described in Threat #5 in the criminal complaint, and shown in the video. In the first several minutes of his interview with law enforcement last Friday, Leach initially protested his innocence by pointing out that he was not the person on the video and that his name was on the list. That he was ready to use these false exculpatory arguments confirmed Leach was sophisticated enough to create them for that purpose. That he went to the trouble to create bases for these arguments also confirms Leach's knowledge of the wrongfulness of his conduct.

## **2. The Weight of the Evidence**

The United States relies on the information contained in the Criminal Complaint, and its initial detention motion.

## **3. Leach's History and Characteristics**

Though he has no adult convictions, since 2011, Leach has had more than 30 involvements with police, including several arrests. While far from dispositive, this history also suggests his conduct here was not an aberrational deviation from an otherwise rule-abiding young man.

At the outset of the interview with police last Friday, Leach protested that he did not know why police were trying to put the crime on him. He claimed his accounts had been hacked. He protested that his name was on the kill list and that it was not him in the video. He claimed his laptop (which was found during the search of the apartment) had been stolen. He eventually admitted to sending an email with the list of people to kill and preparing the video.

He stated he felt that his life was over, and that he was worried about people finding out about his involvement in this crime. He stated that he felt that he had been treated like a joke and wanted others to feel the same way. He stated he did not mean to hurt people. He expressed interest in what the media would find out.

At the end of the interview, however, Leach continued to make self-serving lies, claiming he had destroyed his cell phones, which were located, not-destroyed, in his bedroom.

While no weapons or explosives were found during the search of his apartment, Leach's statements, age, and other circumstances mentioned in the bail report, suggest that he may be in a desperate, nothing-to-lose, frame of mind, and may hurt himself or others. He cannot be expected to abide by conditions.

Under these circumstances, in light of his repeated threats to murder, there are no conditions that can reasonably assure the safety of any other person and the community. Leach should therefore be ordered detained during the pendency of this prosecution.

Dated at Burlington, in the District of Vermont, this 27<sup>th</sup> day of April, 2017.

Respectfully submitted,

UNITED STATES OF AMERICA

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